

REMARKS

This amendment is filed in response to the Office Action of February 9, 2007.

It is respectfully submitted that this amendment will require neither a new search nor substantial reconsideration.

The Office Action rejected Claims 1-7, 9-19 and 21-37 under 35 U.S.C. §103(a) as obvious over the Rodriguez reference (U.S. published patent application 2002/0138341) in view of the Teppler reference (U.S. published patent application 2006/0080536).

The Rodriguez reference discloses a method for verifying identification of voters and a system that protects the voting data by encrypting the flowing data in the network. However, with the Rodriguez system, people who count the votes can easily alter the vote count because the voting data is stored in the database such as an SQL Server. The engineer with knowledge of the SQL server technology can operate the SQL Server directly to easily delete or falsify the original voting data.

Similarly, with the Rodriguez system, engineers are able to check the voting progress by hitting a simple computer command, such as “Candidate A has 90 votes and Candidate B has 300 votes so far”, while the polls are open and voting is occurring. If an engineer gives that information to a person who was going to vote for Candidate A, the person may not vote for Candidate A.

On the other hand, the Teppler reference endeavors to make the voting data reliable by using time-stamping by adjusting the time on the voter’s computer to the standard time. The Teppler reference does not have the concept of a “voting period” or a “voting counting period”. As Teppler reads in paragraph [0429] that “The eVote, itself constituting a digital data file, is susceptible to time-base data manipulation by trusted insiders”, this system is designed under

assumption that the insider/engineer is trustworthy. Also, as described in the paragraph that “In another vulnerability, the eVote itself can be false,.....but report and record the false outcome for actual election result computing purposes”, a false outcome by a malfeasant insider cannot be eliminated during the voting period but is going to be inspected after the election.

The Office Action states that the Rodriguez reference “fails to disclose said output start time occurs after said input end time ...” as well as several other related elements. The Office Action further states that these elements are disclosed by the Teppler reference and further cites numbered paragraphs 0033-0035 and 0442 as disclosing these elements. The Applicant has studied these paragraphs carefully. It appears from this study that the rejections of the Office Action are based on the interpretation of the claims that the “input operation period” and “output operation period” are particular to each entry information element, thereby trivializing the “input operation period” and the “output operation period”. Rather, a single input operation period applies to all of the plurality of entry information elements as does a single output operation period. This is particularly important in that it prevents illicit examination of the votes (entry information elements) during the voting period (the input operation period), and delays the examination of the votes until the voting period has terminated and the legitimate vote counting period (“output operation period”) begins.

Therefore, in order to clarify this matter, Claim 1 has been amended to include the language “[an]] a single output operation period for all of said plurality of entry information elements” and “[an]] a single input operation period for all of said plurality of entry information elements” (amendatory language shown) with similar changes made to the other independent claims.

It is respectfully submitted that this distinguishes over the cited art.

It is therefore respectfully submitted that the rejection under 35 U.S.C. §103(a) is overcome.

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims, to enter this amendment, and pass this application to early issue.

Respectfully submitted,



Ronald E. Brown
Registration No. 32,200

212.297.5800
Day Pitney LLP
7 Times Square
New York, NY 10036-7311